

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) LODA OKLA, LLC and	)	
(2) VICTORIA TIME CORP.,	)	
	)	
Movants,	)	
	)	
v.	)	<b>Case No. 13-CV-191-JED-FHM</b>
	)	
(1) MICKEY JOE OVERALL,	)	
(2) GINETTE LEE OVERALL, and	)	
(3) AMERICAN NATURAL	)	
RESOURCES, LLC,	)	
	)	
Respondents.		

**MOTION TO CONFIRM ARBITRAL AWARD**

Movants, LODA OKLA, LLC and VICTORIA TIME CORP., move for confirmation of an arbitration award entered in favor of Movants and against Respondents, MICKEY JOE OVERALL, GINETTE LEE OVERALL, and AMERICAN NATURAL RESOURCES, LLC.

**THE PARTIES**

1. Movant Loda Okla, LLC is a Texas Limited Liability Company with its principal place of business in Houston, Texas. Members of the limited liability company are foreign individuals or entities, none of whom are Oklahoma citizens.

2. Movant Victoria Time Corp. is a Texas corporation with its principal place of business in Houston, Texas.

3. Respondent Mickey Joe Overall is a citizen of Oklahoma.

4. Respondent Ginette Lee Overall is a citizen of Oklahoma.

5. Respondent American Natural Resources, LLC is an Oklahoma limited liability company, whose sole member is a citizen of Oklahoma.

### **JURISDICTION AND VENUE**

6. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332. Complete diversity of citizenship exists since this action involves a dispute among a citizen of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. This Court has personal jurisdiction over all defendants.

8. Venue is properly based in this District pursuant to 28 U.S.C. § 1391 because a substantial part of the events giving rise to this action occurred in this District, Respondents Mickey Overall and Ginette Overall reside in this District, and American Natural Resources LLC has its principal place of business in this District. See *Cortez Byrd Chips, Inc., v. Bill Harbert Construction Company*, 529 U.S. 193, 204 (2000).

### **FACTUAL BACKGROUND**

9. Movant Victoria Time Corp and Respondent American Natural Resources, LLC entered into an agreement that provided that disputes would be resolved under the Commercial Arbitration Rules of the American Arbitration Association. A copy of the agreement is attached as Exhibit 1.

10. The Agreement was amended, and Movant Victoria Time Corp's interest was assigned to movant Loda Okla LLC in January 2012. A copy of the amendment is attached as Exhibit 2.

11. A dispute arose, and on July 1, 2013, Movants commenced an arbitration proceeding before the American Arbitration Association against Respondent American Natural Resources, LLC.

12. Prior to that date, on March 29, 2013, Movants had filed a Complaint against Respondents Mickey Overall and Ginette Overall in the United States District Court for the Northern District of Oklahoma, Civil Action No. 13 CV 191 JED FHM. In September 2013, Mickey Overall and Ginette Overall agreed to join the AAA arbitration and arbitrate all disputes pending in the federal action. The parties filed a Joint Motion to Stay Proceedings, which was granted (Docket No's 30, 31).

13. Pursuant to the Commercial Rules of the American Arbitration Association and by agreement of the parties, the following persons were appointed as the arbitrators: Hon. William G. Arnot III, Harper Estes, and James R. Waldo. A copy of the order confirming their appointment is attached as Exhibit 3.

14. A hearing was conducted in Oklahoma City, Oklahoma during the week of June 2, 2014. The arbitrators issued their award on July 10, 2014, and it was served on the parties on July 14, 2014. A copy of the award is attached as Exhibit 4.

15. No motion has been made to vacate, modify, or correct the award. No grounds exist to vacate, modify, or correct the award, and accordingly, Movants request confirmation of the award and entry of judgment in accordance with the award pursuant to Sections 9 and 13 of the Federal Arbitration Act, 9 U.S.C. §§ 9, 13.

Respectfully submitted,

/s/ Graydon D. Luthey, Jr.

Graydon D. Luthey, Jr., OBA No. 5568

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**ATTORNEY FOR MOVANTS LODA OKLA,  
LLC AND VICTORIA TIME CORP.**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of July, 2014, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

David A. Sturdivant  
*dsturdivant@barrowgrimm.com*

Bradley K. Beasley  
*bbeasley@bme-law.com*

I hereby certify that on this 15th day of July, 2014, I served the attached document by U.S. Mail, postage prepaid, on the following counsel, who were co-counsel in the underlying arbitration proceeding, but who are not registered participants of the ECF System:

Richard L. Rose  
Richard J. Gore  
**MAHAFFEY & GORE, P.C.**  
300 NE 1st Street  
Oklahoma City, Oklahoma 73104

/s/ Graydon D. Luthey, Jr.